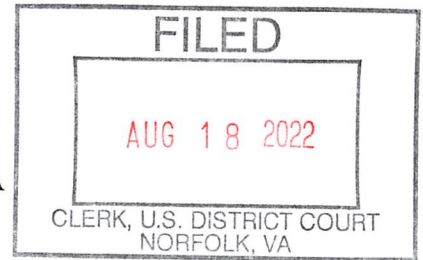


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



MARKESE L. JONES, #1446668,

Petitioner,

v.

ACTION NO. 2:21cv311

HAROLD W. CLARKE,
Director of the Virginia
Department of Corrections

Respondent.

FINAL ORDER

Petitioner Markese L. Jones (“Jones”), a Virginia inmate, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Jones alleges his federal rights were violated when he was convicted on November 20, 2012, following a bench trial in the Circuit Court of Mecklenburg County, of one count of attempted first-degree murder and one count of malicious wounding. *Id.* at 1–2, 43. Jones was sentenced to 60 years of incarceration with 30 years suspended. *Id.* at 45. Respondent filed a motion to dismiss the petition and Jones responded to the motion. ECF Nos. 15, 20.

This matter was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. On June 6, 2022, the Magistrate Judge prepared a report and recommendation, recommending that respondent’s motion to dismiss, ECF No. 15, be granted, and the petition for a writ of habeas corpus, ECF No. 1, be denied and dismissed with prejudice as barred by the statute of limitations. ECF No. 21. Each party was advised of the right

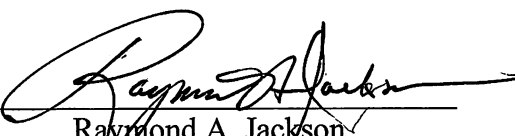
to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 5–6. On July 11, 2022, the Court received Jones’ objections to the findings and recommendations made by the Magistrate Judge. ECF No. 22.

The Court, having reviewed the record and examined the objections filed by Jones to the report and recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent’s motion to dismiss, ECF No. 15, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**.

Finding that the basis for dismissal of Jones’ section 2254 petition is not debatable, and alternatively finding that Jones has not made a “substantial showing of the denial of a constitutional right,” a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *see* Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts.; *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Jones is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rule 11(a) of the Rules Gov. § 2254 Cases in U.S. Dist. Cts. **If Jones intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Order. Jones may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this Final Order to Jones and counsel of record for respondent.



Raymond A. Jackson
United States District Judge

Norfolk, Virginia
August 17, 2022